

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.28 of 2016

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1. Anil Kumar Son of Late Baleshwar Singh resident of village - Narma,
P.S. Dulhin Bazar, District - Patna

2. Dina Nath Sharma Son of Late Satrugan Singh resident of village -
Raunia, P.S. Naubatpur, District - Patna

3. Mahesh Mahto Son of Sri Baleshwar Mahto resident of village - Bhela
Rampur, P.S. Naubatpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of
Education, Government of Bihar, Patna

2. The Director, Primary Education, Department of Education, Government
of Bihar, Patna

3. The District Magistrate, Patna

4. The District Education officer, Patna

5. The District Programme officer (Establishment), Patna

6. The Headmaster, Upgraded Middle School, Aropur Girls School,
Naubatpur, Patna

7. The Headmaster, Upgraded Middle School, Amarpur, Naubatpur, Patna

8. The Headmaster, Upgraded Middle School, Gaura, Jagdishpur,
Naubatpur, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rohit Mishra

For the Respondent/s : Mr. Swaprit Kr. Singh, AC to GA-19

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 03-01-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The grievance of the petitioners in the present writ
application is non-finalization of the claim of the petitioners for
fixation of pay scale.

Learned counsel for the petitioners has drawn
attention to the court to the statement made in paragraphs 8 and 9



wherein the petitioners have specifically pleaded that the persons juniors to the petitioners drawing higher salary. The petitioners have approached to the Director, Primary Education on 23.7.2015 vide Annexure-2 for redressal of their grievance.

Counsel appearing on behalf of the petitioners submits that the petitioners are entitled to payment of fixation of pay scale according to their seniority as juniors are granted higher pay scale and there is no justification to deny the petitioners.

Considering the fact that the petitioners have already approached the Director, Primary Education on 23.7.2015, the writ petition is disposed of with direction to the Director, Primary Education, respondent no.2 who shall examine the claim of the petitioners and if it is found that the juniors to the petitioners have been granted higher pay of scale then the respondent no.2, the Director, Primary Education will see that the petitioners may be granted the similar benefit of pay fixation.

In case, the Director, Primary Education finds that the juniors have been granted pay fixation, he would be under obligation to pass corrective order with regard to fixation of pay scale of the petitioners as well as juniors to the petitioners and in the event the juniors have been granted fixation of pay scale in accordance with law, the similar treatment should be extended to



these petitioners also. Such exercise must be completed within a period of three months from the date of receipt/production of a copy of this order.

It goes without saying that monetary benefit arising out of pay fixation must reach the petitioners within a further period of two months from the date of such order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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